

ELIZABETH DEELEY (SBN 230798)
edeeley@kirkland.com
CASEY M. NOKES (SBN 240992)
cnokes@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 439-1861
Facsimile: (415) 439-1500

Attorney for Defendant
CONOCOPHILLIPS COMPANY

Matthew F. Pawa (*Pro hac vice*)
mp@pawalaw.com
LAW OFFICES OF MATTHEW F. PAWA, P.C.
1280 Centre Street, Suite 230
Newton Centre, MA 02459
Telephone: (617) 641-9550
Facsimile: (617) 641-9551

Attorneys for Plaintiffs
NATIVE VILLAGE OF KIVALINA and CITY OF
KIVALINA

[*Counsel Listing Continued on Next Page*]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NATIVE VILLAGE OF KIVALINA and CITY OF
KIVALINA,

Plaintiffs,

vs.

EXXON MOBIL CORPORATION; BP P.L.C.; BP
AMERICA INC.; BP PRODUCTS NORTH AMERICA
INC.; CHEVRON CORPORATION; CHEVRON
U.S.A., INC.; CONOCOPHILLIPS COMPANY;
ROYAL DUTCH SHELL PLC; SHELL OIL
COMPANY; PEABODY ENERGY CORPORATION;
THE AES CORPORATION; AMERICAN ELECTRIC
POWER COMPANY, INC.; AMERICAN ELECTRIC
POWER SERVICES CORPORATION; DTE ENERGY
COMPANY; DUKE ENERGY CORPORATION;
DYNEGY HOLDINGS, INC.; EDISON
INTERNATIONAL; MIDAMERICAN ENERGY
HOLDINGS COMPANY; MIRANT CORPORATION;
NRG ENERGY; PINNACLE WET CAPITAL
CORPORATION; RELIANT ENERGY, INC.; THE
SOUTHERN COMPANY; AND XCEL ENERGY,
INC.,

Defendants.

CASE NO. C 08-01138 SBA

**ORDER RE: FORMAT FOR
REPLY IN SUPPORT OF
MOTION TO DISMISS**

[PROPOSED] ORDER RE FORMAT FOR
REPLY IN SUPPORT OF MOTION TO
DISMISS

CASE NO. CV-08 1138 SBA

RONALD L. OLSON (SBN 44597)
 Ronald.Olson@mto.com
 DANIEL P. COLLINS (SBN 139164)
 Daniel.Collins@mto.com
 MUNGER, TOLLES & OLSON LLP
 355 South Grand Avenue, 35th Floor
 Los Angeles, CA 90071-1560
 Telephone: (213) 683-9100
 Facsimile: (213) 687-3702

JEROME C. ROTH (SBN 159483)
 Jerome.Roth@mto.com
 MUNGER, TOLLES & OLSON LLP
 560 Mission Street
 San Francisco, CA 94105-2907
 Telephone: (415) 512-4000
 Facsimile: (415) 512-4077

Attorneys for Defendant
 SHELL OIL COMPANY

ROBERT MEADOWS (*Pro hac vice*)
 rmeadows@kslaw.com
 TRACIE J. RENFROE (*Pro hac vice*)
 trenfroe@kslaw.com
 JONATHAN L. MARSH (*Pro hac vice*)
 jlmarsh@kslaw.com
 KING & SPALDING LLP
 1100 Louisiana Street, Suite 4000
 Houston, TX 77002-5213
 Telephone: (713) 751-3200
 Facsimile: (713) 751-3290

LISA KOBIALKA (SBN 191404)
 lkobialka@kslaw.com
 KING & SPALDING LLP
 1000 Bridge Parkway, Suite 100
 Redwood City, CA 94065
 Telephone: (650) 590-0700
 Facsimile: (650) 590-1900

Attorneys for Defendants
 CHEVRON CORPORATION and
 CHEVRON U.S.A. INC.

STUART A. C. DRAKE (*Pro hac vice*)
 sdrake@kirkland.com
 ANDREW B. CLUBOK (*Pro hac vice*)
 aclubok@kirkland.com
 SUSAN E. ENGEL (*Pro hac vice*)
 seengel@kirkland.com
 KIRKLAND & ELLIS LLP
 655 Fifteenth Street, N.W.
 Washington, D.C. 20005
 Telephone: (202) 879-5173
 Facsimile: (202) 879-5200

ELIZABETH DEELEY (SBN 230798)
 edeeley@kirkland.com
 CASEY M. NOKES (SBN 240992)
 cnokes@kirkland.com
 KIRKLAND & ELLIS LLP
 555 California Street
 San Francisco, CA 94104
 Telephone: (415) 439-1861
 Facsimile: (415) 439-1500

Attorneys for CONOCOPHILLIPS COMPANY

MATTHEW HEARTNEY (SBN 123516)
 Matthew.Heartney@aporter.com
 ARNOLD & PORTER LLP
 777 S. Figueroa Street, 44th Floor
 Los Angeles, CA 90017-5844
 Telephone: (213) 243-4150
 Facsimile: (213) 243-4199

PHILIP H. CURTIS (*Pro hac vice*)
 Philip.Curtis@aporter.com
 MICHAEL B. GERRARD (*Pro hac vice*)
 Michael.Gerrard@aporter.com
 ARNOLD & PORTER LLP
 399 Park Avenue
 New York, New York 10022
 Telephone: (212) 715-1000
 Facsimile: (212) 715-1399

Attorneys for BP AMERICA INC. AND BP
 PRODUCTS NORTH AMERICA INC.

LUKE W. COLE (SBN 145505)
luke@igc.org
BRENT NEWELL (SBN 210312)
brent@igc.org
CENTER ON RACE, POVERTY & THE
ENVIRONMENT
47 Kearny Street, Suite 804
San Francisco, CA 94108
Telephone: (415) 346-4179
Facsimile: (415) 346-8723

HEATHER KENDALL MILLER (*Pro hac vice*)
kendall@narf.org
NATIVE AMERICAN RIGHTS FUND
420 L Street, Suite 505
Anchorage, AD 99515
907-276-0680
FAX: 907-276-2466

STEVE W. BERMAN (*Pro hac vice*)
steve@hbsslw.com
HAGENS BERMAN SOBOL SHAPIRO
LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

REED R. KATHREIN (SBN 139304)
Email: reed@hbsslw.com
HAGENS BERMAN SOBOL SHAPIRO
LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
(510) 725-3000
Fax: (510) 725-3001

DENNIS J. REICH (*Pro hac vice*)
Email: dreich@reichandbinstock.com
REICH & BINSTOCK, LLP
4265 San Felipe Blvd., Suite 1000
Houston, TX 77027
713-622-7271
Fax: 713-623-8724

CHRISTOPHER A. SEEGER (*Pro hac vice*)
Email: cseeger@seegerweiss.com
STEPHEN A. WEISS
Email: sweiss@seegerweiss.com
SEEGER WEIS LLP
One William Street
New York, NY 10004
212-584-0700
Fax: 212-584-0799

STEPHEN D. SUSMAN
Email: ssusman@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street
Suite 5100
Houston, TX 77002
713-651-9366


GARY E. MASON (*Pro hac vice*)
Email: gmason@masonlawdc.com
THE MASON LAW FIRM, LLP
1225 19th Street, NW
Suite 500
Washington, DC 20036
202-429-2290
Fax: 202-429-2294

1 Pursuant to the Stipulation between Plaintiffs and Defendants: ExxonMobil Corporation,
2 BP America, Inc., BP North America, Inc., Chevron Corporation, Chevron U.S.A., Inc.,
3 ConocoPhillips Company, and Shell Oil Company (collective "Oil Company Defendants"), and
4 FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

5 The Parties shall abide by the briefing format set forth below:

6
7 1. The Oil Company Defendants will file a single consolidated reply brief under Fed.
8 R. Civ. P. 12(b)(1) addressing counts 1 through 4 of the Complaint. The Oil Company
9 Defendants will also file a single consolidated brief under Fed. R. Civ. P. 12(b)(6) addressing
10 counts 1 through 4 of the Complaint. The total number of combined pages for these two briefs
11 shall not exceed 45 pages.

12
13 Dated: 11/18/08

14 By 
15 Hon. Sandra B. Armstrong
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28